

**MINUTES OF THE MEETING**  
**OF THE**  
**METROPOLITAN PLANNING COMMISSION**

Date: Thursday, March 23, 1995  
Time: 1:00 p.m.  
Place: Howard Auditorium

**ROLL CALL**

**Present:**

Gilbert N. Smith, Chairman  
Jimmy Allen  
Arnett Bodenhamer  
William Harbison  
Janet Jernigan  
James Lawson  
William Manier  
Ann Nielson  
Councilmember Larry McWhirter

**Absent:**

Mayor Philip Bredesen

**Also Present:**

**Executive Office:**

T. Jeff Browning, Executive Director and Secretary  
Carolyn Perry, Secretary I

**Current Planning and Design Division:**

Edward Owens, Planning Division Manager  
John Bracey, Planner III  
Mitzi Dudley, Planner III  
Tom Martin, Planner III  
Shawn Henry, Planner II

**Advance Planning and Research Division:**

John Palm, Planning Division Manager

**Community Plans Division:**

Jerry Fawcett, Planning Division Manager  
Cynthia Lehmbeck, Planner II

**Others Present:**

Jim Armstrong, Public Works Department  
Leslie Shechter, Legal Department

Chairman Smith called the meeting to order.

### **ADOPTION OF AGENDA**

Before the adoption of the agenda Mr. Owens announced two corrections to captions. Item number 95P-007U, Hodges Estates, the caption should be changed to read 23 single family lots and item number 95P-011G, Elysian Springs, the caption should read 238 single family lots. Mr. Lawson moved and Ms. Nielson seconded the motion, which was unanimously passed, to adopt the agenda.

### **ANNOUNCEMENT OF DEFERRED ITEMS**

At the beginning of the meeting, the staff listed the deferred items as follows:

95S-042U            Deferred two weeks by request of applicant.

Ms. Nielson moved and Mr. Allen seconded the motion, which was unanimously passed, to defer the above matter.

### **APPROVAL OF MINUTES**

Mr. Bodenhamer moved and Mr. Lawson seconded the motion, which was unanimously passed, to approve the minutes of the regular meeting of March 9, 1995.

### **RECOGNITION OF COUNCILMEMBERS PRESENT**

Councilman Gary Odom addressed the Commission regarding zone change proposal 95Z-032G. He stated there had been a neighborhood meeting on March 20 at West Meade Elementary School which was very well attended. The residents of the area are very concerned regarding the zone change for the development proposal and asked the Commission to disapprove the proposal.

Mr. Lawson asked Councilman Odom if the issue of traffic came up regarding the access to Highway 70 during the meeting.

Councilman Odom said the issue did come up and that there was a gentleman from the Traffic and Parking Commission present and that the last study that had been done by them on Harding Road was in 1991, in spite of the fact that we have a new regional mall, the number of units of developments in the Bellevue area have grown dramatically in the last five years.

Councilman Horace Johns and Councilman At Large Vic Varallo addressed the Commission in opposition to Bosley Springs Road development. Councilman Johns expressed extreme concern regarding the traffic problems in the area and asked the Commission not to recommend approval. Councilman Varallo expressed his opposition and stated he was representing the White Bridge area and Dominican Campus

### **ADOPTION OF CONSENT AGENDA**

Mr. Lawson moved and Mr. Allen seconded the motion, which was unanimously passed, to adopt the following items on the consent agenda.

### **APPEAL CASES:**

**Appeal Case No. 95B-024U**  
Map 133, Parcel 70  
(Subarea 12)  
(30th District)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 1,782 square foot carport attached on the rear of an existing residence within the R8 District, on property abutting the southeast margin of Paragon Mills Road approximately 1,430 feet northeast of Nolensville Pike (2.84 acres), requested by David Kelley, appellant/owner.

**Resolution No.**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-024U to the Board of Zoning Appeals.

Site Plan complies with the conditional use criteria."

**Appeal Case No. 95B-032U**

Map 118-10, Parcel 123

(Subarea 10)

(26th District)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 625 square foot addition to an existing residence within the R10 District, on property located on the east margin of Woodhaven Road, approximately 110 feet south of Pleasant Valley Road (.26 acres), requested by Jo Ann Strong, appellant/owner.

**Resolution No.**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-032U to the Board of Zoning Appeals.

Site plan complies with the conditional use criteria."

**Appeal Case No. 95B-033G**

Map 62, Parcel 68

(Subarea 4)

(10th District)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 5,740 square foot single family residence with 721 square foot attached garage and 401 square feet of porches within the RS40 District, on property located on the east margin of the Cumberland River, approximately 500 feet south of Hidden Acres Drive (12 acres), requested by Aaron Adams, appellant.

**Resolution No.**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-033G to the Board of Zoning Appeals.

Site plan complies with the conditional use criteria."

**ZONE CHANGE PROPOSALS:**

**Appeal Case No. 95B-037U**

Map 49, Parcel 92

(Subarea 3)

(1st District)

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 1,152 square foot single-family residence within the R15 District, on property located on the east margin of Buena Vista Pike, approximately 530 feet south of Whites Creek Pike (.37 acres), requested by Larry Routin, appellant.

**Resolution No.**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-037U to the Board of Zoning Appeals.

Site plan complies with the conditional use criteria."

**Zone Change Proposal No. 95Z-026U**

Map 135, Parcel 102  
(Subarea 13)  
(28th District)

A request to change from OG District to CS District certain property abutting the south margin of Old Murfreesboro Pike and the north margin of Murfreesboro Pike (1.56 acres), requested by Nell A. Barnes, petitioner, Copeland S. Baker et ux, owners.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-026U is APPROVED.

This site is designated with 'Nonresidential, major transportation' policy on the Subarea 13 Plan, reflecting the idea that the airport would eventually acquire this property for airport related uses. Regardless of whether this occurs, the CS district is appropriate to apply in this location, based on its orientation to Murfreesboro Pike."

**Zone Change Proposal No. 95Z-027U**

Map 149, Parcel 168  
(Subarea 13)  
(29th District)

A request to change from AR2a District to CG District certain property in the center (without road frontage) of the triangle formed by Forestview Road, Bell Road, and Murfreesboro Pike (2.86 acres), Doyle R. Monday, for Priest Lake Storage, petitioner, Joe B. and Buddy Jennison, trustees.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-027U is APPROVED.

This site is designated with 'commercial mixed arterial' policy in the Subarea 13 Plan. It is situated adjacent to properties zoned CS and CG. It is the intent of this property owner to expand an adjacent mini-storage business, located in the CG district. Although the Planning Commission has recommended in the past that the zoning code be changed to allow mini storage uses in the CS district, to date Council has been reluctant to so. Therefore the property owner must ask for CG zoning on this property in order to expand the existing mini storage facility. The Subarea 13 Plan indicates that certain light industrial type uses may be appropriate in these policy areas, mini-storage facilities being one of them. The CG district is the only commercial district available to accommodate mini-storage uses at this time. Extension of CG zoning onto this property will be compatible with surrounding zoning."

**Zone Change Proposal No. 95Z-029U**

Map 102-4, Parcels 97 and 98  
Map 102-8, Parcels 4 and 114  
(Subarea 7)  
(22nd District)

A request to change from CS and OP Districts to RM8 District certain property abutting the northwest margin of Charlotte Pike, approximately 510 feet northeast of Old Hickory Boulevard (4.94 acres), requested by Richard S. Stoll, for Ulax Estates, Inc., owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-029U is APPROVED.

This site is in 'residential medium-high' policy in the Subarea 7 Plan. There is an existing multi-family development to the north of the subject site, and it is appropriate to provide opportunities for more of the same."

**Zone Change Proposal No. 95Z-030G**

Map 29, Parcel 73 and Part of Parcel 74  
(Subarea 1)  
(1st District)

A request to change from AR2a District to R20 District certain property abutting the northwest margin of Eatons Creek Road, approximately 380 feet southwest of Clarksville Pike (approximately 1.7 acres), requested by Michael W. Arrington, for James E. Willis, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-030G is APPROVED.

The site is policed 'residential low-medium' in the Subarea 1 Plan. The R20 district conforms with this policy classification."

**Zone Change Proposal No. 95Z-031G**

Map 172, Parcels 16 and Part of 109-111  
(Subarea 12)  
(32nd District)

A request to change from R40 District to R30 District certain property located between Edmondson Pike and Old Smyrna Road, opposite Mt. Pisgah Road (95.66 acres), requested by Anthony C. House, for James R. Carbine Construction Associates, Inc., owners are Frances V. H. Miller, Raymond L. Barrett, John L. Lee et ux, and James J. Conner, trustee. (See PUD Proposal No. 95P-011G, page 6).

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-031G is APPROVED.

The site is designated 'residential low-medium' (up to 4 dwellings per acre) in the Subarea 12 Plan. This request is accompanied by a PUD with a planned overall density of around 2.5 dwellings per acre. This zone change together with the PUD will implement this policy classification."

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**District Applications and Finals:**

**Proposal No. 94P-019U**

Nashville Credit Bureau  
Map 104-16, Parcels 55 and 56  
(Subarea 10)

(18th District)

A request for final approval of the Commercial (General) Planned Unit Development District abutting the northeast corner of Ashwood Avenue and 21st Avenue South (1.45 acres), to permit the development of a 18,000 square foot office building, requested by Adkisson/Harrison and Associates, for Nashville Credit Bureau, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-019U is given CONDITIONAL FINAL APPROVAL. The following conditions apply.

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Revised plans showing a separate storm line tying into the public drainage system on Blair Boulevard as approved by the Stormwater Management Section of the Metropolitan Department of Public Works.
3. No use and occupancy permit shall be issued until the storm line is completed.
4. Receipt of modified plans which comply with the Fire Marshal's memorandum dated March 22, 1995."

**Proposal No. 94P-020G**  
RPS-Nashville Distribution Hub  
Map 50, Parcel 99  
(Subarea 3)  
(11th District)

A request for final approval of the Industrial Planned Unit Development District abutting the east margin of Knight Drive, approximately 975 feet south of Brook Manor Drive (80.0 acres), to permit the development of a 200,000 square foot package distribution center, requested by Barge, Waggoner, Sumner and Cannon, Inc., for RPS, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-020G is given CONDITIONAL FINAL APPROVAL. The following conditions apply.

1. Written confirmation of approval from the Stormwater Management Section of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat upon the posting of a bond for all offsite road improvements as required by the Metropolitan Department of Public Works and all water and sewer line extensions as required by the Metropolitan Department of Water and Sewers Services.
3. Compliance with the requirements of the Metropolitan Fire Department letter dated March 22, 1995."

**Proposal No. 95P-007U**  
Hodges Estates  
Map 90-12, Parcels 39, 40 and 46  
(Subarea 7)  
(22nd District)

A request to grant preliminary approval for a Residential (Reduced Site) Planned Unit Development District located between Croley Drive and Westboro Drive, approximately 215 feet south of Robertson Avenue (3.0

acres), classified R8 and CS, to permit the development of 23 single-family lots, requested by Dale and Associates, for Dannie Hodges, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-007U is given CONDITIONAL APPROVAL. The following condition applies.

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works."

**Request to Revise/Amend a Site Development Plan:**

**Proposal No. 5-73-G**  
Music Valley P.U.D.  
Map 62, Parcels 167-171  
(Subarea 14)  
(15th District)

A request to amend the preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the west margin of Music Valley Drive, approximately 312 feet north of Music City Circle (10.34 acres), to permit the development of 192,930 square feet of motels and restaurants facilities, requested by Heibert and Associates, for William E. Oakes, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 5-73-G is given CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL APPROVAL. The following conditions apply.

1. Written confirmation of preliminary approval from the Stormwater Management Section of the Metropolitan Department of Public Works.
2. The bonding of any off site improvements as may be required with any subsequent final approval."

**Proposal No. 199-73-G**  
Peterbilt of Nashville, Inc.  
Map 148, Parcel 34  
(Subarea 13)  
(29th District)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the southeast corner of Haywood Lane and Interstate 24 (7.91 acres), to permit the addition of a 4,953 square foot service shop/wash bay, requested by Specialty Builders, Inc. for Peterbilt of Nashville, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 199-73-G is given CONDITIONAL APPROVAL. The following condition applies.

Written confirmation of approval from the Stormwater Management Section of the Metropolitan Department of Public Works."

**Proposal No. 133-76-U**  
B. P. Oil Company  
Map 161, Parcel 185  
(Subarea 12)  
(31st District)

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the southwest corner of Old Hickory Boulevard and Brentwood East Drive (.81 acres), to permit the development of a 1,800 square foot convenience store and to relocate a 680 square foot car wash, requested by Joseph G. Petrosky Associates, Inc., for B. P. Oil Company, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 133-76-U is given CONDITIONAL APPROVAL OF REVISED FINAL. The following conditions apply.

1. Written confirmation of final approval from the Stormwater Management Section of the Metropolitan Department of Public Works.
2. Compliance with the requirement of the Metropolitan Fire Department request as stated in a letter dated March 22, 1995."

**Proposal No. 90-86-P**  
Harborview, Final Phase  
Map 108, Parcel 233  
(Subarea 14)  
(13th District)

A request to revise the preliminary site development plan of the Residential Planned Unit Development District located approximately 140 feet west of Timber Valley Drive, opposite Harborwood Circle (18.6 acres), to permit the development of 62 single-family lots, requested by MEC, Inc., for Gil Smith, owner.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90-86-P is given CONDITIONAL APPROVAL. The following conditions apply.

1. Written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Revised plans showing the 50 foot right of ways to scale to the satisfaction of the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. Submittal of a detailed geotechnical analysis shall accompany any final applications to determine the development implications in areas of known sinkhole activity.
4. Receipt of modified plans which comply with the Fire Marshal's memorandum dated March 13, 1995."

**SUBDIVISIONS:**

**Final Plats:**

**Subdivision No. 134-84-G**  
Devon Close  
Map 142, Part of Parcel 108  
(Subarea 6)  
(35th District)

A request to create a lot abutting the northwest corner of Bellevue Road and Hicks Road (2.71 acres), classified within the R20 Residential Planned Unit Development District, requested by W. H. Eason, Jr., owner/developer, Thomas, Miller and Partners, surveyor.



**Resolution No.**

**Subdivision No. 89P-019G**

Allen's Green, Section Two  
Map 155, Part of Parcel 74  
(Subarea 6)  
(35th District)

A request to create 43 lots abutting both margins of Timber Leaf Drive and both margins of Harpeth Glen Trace (29.77 acres), classified within the RS30 Residential PUD District, requested by Zaring Homes, Inc., owner/developer, Barge, Waggoner, Sumner & Cannon, Inc., surveyor.

**Resolution No.**

**Subdivision No. 94P-017G**

October Woods, Section One  
Map 183, Part of Parcel 4  
(Subarea 12)  
(31st District)

A request to create three lots abutting the west margin of Old Hickory Boulevard, approximately 1,100 feet south of Hobson Drive (2.21 acres), classified within the R10 Residential Planned Unit Development District, requested by October Woods, L.P., owner/developer, Anderson-Delk and Associates, surveyor.

**Resolution No.**

**Subdivision No. 94S-079U**

Jewell Estates  
Map 132-5, Parcels 10, 22.1, 164 and 165  
(Subarea 10)  
(33rd District)

A request to subdivide four lots into five lots abutting the east margin of Leland Lane, approximately 155 feet north of Tower Place (3.0 acres), classified within the R20 District, requested by Dudley Warner, II, owner/developer, E. Roberts Alley and Associates, Inc., surveyor.

**Resolution No.**

**Subdivision No. 95S-040U**

Baltz Brothers Packing Company,  
Resubdivision of Lots 1, 2 and 5  
Map 106, Parcels 161, 162 and 165  
(Subarea 14)  
(15th District)

A request to resubdivide three lots abutting the north margin of Elm Hill Pike, approximately 1,443 feet east of Spence Lane (6.8 acres), classified within the IG District, requested by Don C. and Joan W. Bruce et al, owners/developers, Ragan-Smith-Associates, Inc., surveyor.

**Resolution No.**

**Request for Bond Extension**

**Subdivision No. 86-625-G**  
Whites Creek Commercial Center  
Nathan T. Wall, principal  
(Request received 03/01/95)

Located at the southwest corner of Old Hickory Boulevard and I-24.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 86-625-G, Whites Creek Commercial Center, until October 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$12,400.00 by April 27, 1995 and extending the expiration date to April 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

**Subdivision No. 88S-221U**  
Lakeland, Section Two, Phase Two  
Third National Bank, principal  
(Request received 02/01/95)

Located on the west side of Hibbets Road, opposite Airwood Drive.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 88S-221U, Lakeland, Section Two, Phase Two, until September 1, 1995, as requested, said approval being contingent upon posting an amended letter of credit in the full amount of \$18,300.00 by April 27, 1995 and extending the expiration date to March 1, 1996. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

**Request for Bond Replacement and Extension:**

**Subdivision No. 91-71-G**  
Lenox Square, Lots One and Two  
Ben Tobin Revocable Trust, principal  
(Request received 02/16/95)

Located abutting the northeast corner of Lebanon Pike and Shute Lane.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for replacement and extension of the performance bond for Subdivision No. 91-71-G, Lenox Square, Lots One & Two, until October 1, 1995, as requested, in the full amount of \$95,600.00, said approval being contingent upon submittal of appropriate security and execution of the replacement bond by April 27, 1995. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

**Subdivision No. 94S-295U**  
Asheford Crossing, Section One  
Phillips Builders, Inc., principal  
(Request received 02/23/95)

Located abutting the southeast margin of Mt. View Road, approximately 200 feet northeast of Old Franklin Road.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for replacement and extension of the performance bond for Subdivision No. 94S-295U, Asheford Crossing, Section One, until October 1, 1995, as requested, in the full amount of \$986,000.00, said approval being contingent upon submittal of appropriate security and execution of the replacement bond by April 27, 1995. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

**Request for Bond Release:**

**Subdivision No. 9-86-P**  
Ellis Place Commercial PUD  
Third National Bank, principal  
(Request received 03/09/95)

Located abutting the southwest margin of Murfreesboro Pike, approximately 466 feet northwest of Dover Glen Drive.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 9-86-P, Ellis Place Commercial PUD, in the amount of \$11,100.00, as requested."

**Subdivision No. 91S-142G**  
Smyth Property  
Mark A. Smyth, principal  
(Request received 03/10/95)

Located on the south margin of Old Hickory Boulevard, approximately 96 feet west of Chickering Woods Drive.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for release of a performance bond for Subdivision No. 91S-142G, Smyth Property, in the amount of \$2,500.00, as requested."

**MANDATORY REFERRALS:**

**Proposal No. 95M-034U**  
(Council Bill No. O95-1369)  
Intersection Improvements  
Old Hickory Boulevard at Oakes Drive  
(Subarea 12)  
(32nd District)

A council bill authorizing the acquisition of property along Old Hickory Boulevard by negotiations or condemnation for intersection improvements at Oakes Drive in conjunction with its extension northward from Old Hickory Boulevard. (Project No. 95-R-3).

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-034U.

**Proposal No. 95M-039U**  
Open Space Acquisition  
Shelby Bottoms  
Map 84, Parcel 9  
(Subarea 5)  
(8th District)

A mandatory referral from the Division of Public Property Administration for review of proposed acquisition of property near the Cumberland River in the Shelby Bottoms area for recreational open space.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-039U.

**Surplus Property:**

**Proposal No. 95M-033U**  
(Council Bill No. O95-1358)  
Victoria Avenue  
Map 71-14, Parcel 216  
(Subarea 3)  
(5th District)

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95M-033U.

**OTHER BUSINESS:**

**Capital Budget Amendment:**

**Proposal No. 95CB-015**

A request by the Mayor to amend the 1994-99 Capital Improvements Budget and Program by adding one project:

Community Sound Insulation Program  
Airport Noise Mitigation Improvements  
For Homes in Designated Areas

\$2,000,000 Miscellaneous Funds\*  
FY 1994-95

\*Represents Airport Ad Valorem Revenue

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95CB-015."

**Proposal No. 95CB-016**

A request by the Mayor to amend the 1994-99 Capital Improvements Budget and Program by changing the amount method, and/or timing of funding for two Department of Education projects:

I.D. No. 85BE001

Bus Replacements  
Mandatory to Meet Safety Requirements

From:  
\$2,744,000 Miscellaneous Funds\* FY 1994-95  
\* Represents Short-Term Notes

To:  
\$1,776,000 Miscellaneous Funds\* FY 1994-95  
\* Represents Surplus Debt Service Funds

**I.D. No. 93BE005**

Rolling Stock  
Replace Worn Out Rolling Stock

From:  
\$ 470,000 Miscellaneous Funds\* FY 1994-95  
\$ 470,000 Miscellaneous Funds\* FY 1995-96  
\$ 470,000 Miscellaneous Funds\* FY 1996-97  
\$ 470,000 Miscellaneous Funds\* FY 1997-98  
\$ 470,000 Miscellaneous Funds\* FY 1998-99  
\* Represents Proposed Three-year Notes

To:  
\$2,180,000 Miscellaneous Funds\* FY 1994-9  
\* Represents Surplus Debt Service Funds

**Resolution No.**

“BE IT RESOLVED by the Metropolitan Planning Commission that it APPROVES Proposal No. 95CB-016.”

This concluded the items on the consent agenda.

**APPEAL CASES:**

**Appeal Case No. 95B-035U**

Map 103-15, Parcel 23  
(Subarea 10)  
(24th District)

A request for a conditional use permit under the provisions of Section 17.124.140 (Health Care) as required by Section 17.60.030 and conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 261,000 square foot, 10-story medical office building with a 400,000 square foot, 8 level parking garage within the MO District, on property located at the terminus of Bosley Springs Road, approximately 700 feet north of White Bridge Pike (6.12 acres), requested by Rita Cox, for The Martin Companies, appellant.

Mr. Henry presented the Commission with the procedural role that they have during appeal cases. He reminded them that the this same application came before them in January and was withdrawn prior the February 9 meeting and they then went to the Board of Zoning Appeals and made application for this conditional use permit. The medical service that this building would be is accessory to health care activities. Provided that appropriately compliment the health care activity will no impose an adverse impact on the surrounding land use and are subject to all other provision of the zoning district, that being the bulk requirements which is item H of the conditions that just be satisfied. The zoning administrator has

interpreted this medical office building to be an accessory to the health care campus, identified as the St. Thomas Hospital. Item G of these conditions require that the site and the architectural plans shall first receive a recommendation from the Metropolitan Planning Commission taking into account the above conditions. It is very obvious and clear that the code is structured for the Planning Commission to make an advisement to the Board of Zoning Appeals. They are looking for the Commission expertise on long range planning, general planning and generally that is what is passed on to them. Today you are going to be asked to either approve or disapprove this application. It must be remembered that the Commissions job is not one to decide who is right or who is wrong on a procedure like this but it is the job of the Board of Zoning Appeals to wade through the testimony and pass judgment on the weight of the evidence that is supported at their public hearing. They are the ones to decide whether or not to approve or disapprove this application for a conditional use permit. Having said that, he stated there were fourteen letters requesting to speak and they were split evenly in favor or against the application, which makes the Commissions job more difficult.

Mr. Henry pointed out on slides, the intersection of Harding Road and White Bridge road and stated it was the area identified on the Subarea 10 plan as a mixed use policy area, which recognizes the land use pattern in the area such as an office development on the corner, a retail development, a residential structure and institutional uses and it comprises a mixed use environment. He showed on a 1992 slide when St. Thomas proposed to expand its facilities and was presented to this Commission and to the Board of Zoning Appeals. In November of 1992, the property in question, which sits just behind the St. Thomas complex, was approved by Council and signed by the Mayor into law, to rezone that property from RM6 to MO. The floor area ratio for both of those zoning districts is the same. December of 1992 the St. Thomas expansion came before this Commission asking for permission to expand under the bonus provisions of this section of our code. Those bonus provisions allow for a floor area ratio of up to 1.5. The application at that time took them to almost 1.3. Part of that bonus provision requires three things. The facility be on a major street, a traffic impact study be submitted and the area be in a mixed use development area. Again, this Commission recommended approval and the Board of Zoning Appeals approved that. It was recognized at that time that while granting a bonus here should not preclude other similarly situated properties from attaining their development right under the zoning code, basically concerning the floor area ratio of 1.0.

Mr. Henry pointed out the zoning in the area. St. Thomas is zoned MO, Imperial Manor is RM6 and also commercial zoning in the area. He stated the proposed development is a ten story office building with an eight story parking garage and an elevated ramp leaving Bosley Spring into the parking area. Public Works has approved this project because of the finished floor elevation above the five hundred year flood plain. The stormwater management ordinance doesn't address a five hundred year flood plains, it deals with one hundred flood plains and sets standards for minimum floor elevations based on the on that one hundred year flood plain. Mr. Henry pointed out on a slide the concrete pillion supports (with gravel beneath the building) which the building and garage would be elevated upon. Those are the only obstructions in the flood way and flood plain area. The surface which presently exist are the Knights of Columbus building and the paved parking area.

Mr. Henry stated the traffic issue and flood plain issue have been the most contentious issues raised. The traffic engineer has approved the proposal by the Martin Companies to extend an acceleration lane from the St. Thomas exit onto Harding Road through the intersection of Bosley Springs, along with adjustments to the signals at the site, and the widening of Kenner Avenue allowing a fluid movement turning to the right. The existing level of service is Level D and with these changes would remain at Level D. An additional proposal to widen Harding Road to add another lane west bound for about eight hundred feet of roadway they would construct in addition to installing a stop sign on Bosley Springs where St. Thomas Drive leaves Bosley Springs and enters its campus. The traffic engineer is opposed to the stop sign because Bosley Springs is a public right of way and they do not install stop signs in the middle of a street unless there is an official intersection.

Mr. Henry stated in conclusion the staff has found the site plan complies with the conditional use criteria, but would ask the Commission to advise the Board of Zoning Appeals to carefully evaluate the feasibility of extending the eight hundred foot segment of Harding Road and to have it looked at with the Department of Public Works and Tennessee Department of Transportation and not to include the stop sign on Bosley Spring as proposed.

Chairman Smith asked if Mr. Henry would address the flood plain issue.

Mr. Henry stated the Public Works Department had approved the project as in conformance with the Storm Water Management ordinance.

Mr. Manier asked about the terminology of the frontage on an arterial or major street. He stated in the recitation of the requirements to be met under the MO zoning, there is some reference to street frontage made and asked Mr. Henry to amplify or explain how this complied.

Mr. Henry said he was talking about street frontage and the requirement for a traffic impact study and the requirement that the facility be in a area of mixed use policy. That it only applies under the bonus situation. That is, it only kicks in when the applicant is proposing to exceed FAR of 1.0 and go higher up to 1.5, which is exactly what St Thomas had to do. They had to comply with each of those points and this applicant has not been held to those three conditions because they are not exceeding the 1.0 FAR.

Mr. Allen asked if we were still using the 1991 traffic analysis on this project.

Mr. Henry stated the applicant had revised their 1991 data to suggest that with this development, the Bosley Springs Road and the intersection of Harding Road will remain at the level of service of D.

Mr. Allen asked if the eight hundred foot lane would go all the way to White Bridge Road.

Mr. Henry said no because there is already a turn lane in front of the B P gas station. there is a right turning movement to enter onto Old White Bridge Road.

Mr. Allen stated that would not alleviate the traffic problem if you send them down Old White Bridge Road.

Mr. Henry stated there is currently a turning lane that begins on Harding Road for Old White Bridge Road and there is also a turning lane extending from Old White Bridge Road to White Bridge Road. They are proposing to extend the turning lane from Bosley Springs to the point where that right hand turn lane begins.

Mr. Allen said he still didn't see where they are going if they want to go further out. That's just going to put them right back where they came from.

Mr. Henry agreed, yes they would be in a turn lane and that is an issue the traffic engineer recognizes and really needs to be worked out. Again this proposal of eight hundred feet of roadway improvement on Harding is above and beyond what the traffic engineer feels is necessary to accommodate this development. They are proposing this to try and rectify some of the existing traffic congestion.

Mr. Allen asked if it was correct that there would be approximately five thousand additional automobiles per day in the area.

Mr. Henry stated that was correct.

Mr. Allen said they were taking about a turning lane that would take the traffic into the H. G. Hills parking lot and wanted to know what they would do if they wanted to go further out or go to White Bridge Road. He said it was next to impossible to pull out of there onto White Bridge now if you come out at the office building on the corner.

Mr. McWhirter asked if that widening was what results in the nine foot left turn lane for east bound Harding Road into Bosley Spring and bring all the lanes down to ten foot width except for the outer ones.

Mr. Henry stated the information the Commissioners had showed a reduction of the width of lanes along Harding to accommodate the new west bound lane.

Mr. McWhirter confirmed they were cutting down the lane width without securing additional right-of-way on either side and that is why everything was being squeezed down and asked if Mr. Henry thought TDOT would approve a nine foot turning lane.

Mr. Henry said he couldn't answer that question.

Mr. McWhirter also asked what FAR the Ingram Building was approved for and what did they go up to.

Mr. Henry said they were a 1.0 FAR

Mr. McWhirter asked if they didn't get an expansion approved as well.

Mr. Henry said he was not aware of it.

Mr. Browning stated there was a variance to grant an increase in FAR.

Mr. Allen asked what was the advantage in widening Kenner Avenue. He said once you get into Kenner where are you going to go if it is wide at the mouth of it he couldn't see any advantage to that and it seemed to him like this would just route everybody in a circle right back where they started from.

Mr. Henry said these were system improvements and that he understood it was hard to make the connection between traffic going into and out of Bosley Springs Road and a new lane at the intersection of Kenner.

Mr. Browning stated that they were trying to get more green time on Harding Road and one of the ways to get more green light time is to accommodate the Kenner traffic in a shorter amount of green time and the objective in the widening would be to keep a straight through or right turn lane and to provide two left turn lanes that would turn simultaneously.

Mr. Allen said that the traffic presently backs up past Woodmont and sometimes it takes two or three lights to get out on Harding.

Mr. Browning stated the alleviation would be to turn two cars at one time which would increase the number of cars that could be accommodated in a given period of time.

Mr. McWhirter asked if that was in the proposal as it stands and if the narrow lanes with the additional left turn lane is another option.

Mr. Browning said that was correct and the Kenner improvement was a condition considered back when this was a Planned Unit Development, it was one of the conditions of approval. The proposal to extend the northern most lane on Harding Road was something that the Planning Commission only became aware of the day before and it was not one of the original conditions for approval.

Ms. Jernigan asked about the fire service issues that were raised in earlier correspondence.

Mr. Henry said Chief Perry of the Fire Department had approved the reconfiguration of the site, which will allow fire vehicles to circle the building and also they are required to install a twelve inch water line to the site.

Mr. Hugh Houser ,Jr. representing The Martin Company, stated they had received all governmental approvals in accordance with the application process and are prepared to move forward with a public hearing before the Board of Zoning Appeals. He said they had tried to address each issue that had been raised by adjacent property owners and other concerned residents in the community since the last hearing before the Commission. In response to Commissioner McWhirter's request, the building has been raised above the five hundred foot floodplain level and have also tried to address other traffic issues and that is what precipitated the additional eight hundred foot acceleration lane and also the left turn lane.

Mr. Bob Murphy, traffic engineer with RPM and Associates, stated the purpose of an additional lane for west bound Harding Road from Bosley Springs to the existing right turn lane would provide another through lane. The peak problem is the afternoon westbound flow. At the intersection of White Bridge road currently the traffic volume turning from west bound Harding Road going north onto White Bridge is somewhere in the range of eight hundred in the peak hour. That traffic has a separate lane they can move



into when they approach the intersection and they plan to take that lane all the way back to the St. Thomas access. He said this would increase the capacity of the west bound movement by about thirty-three percent. They would add curbing around some and move some light and telephone poles back to accommodate the new lane.

Mr. Manier asked if the hard data traffic analysis dated 1991 and is projected to the present time or if he was using hard data as of now.

Mr. Murphy said originally they used traffic counts from 1991 added in background traffic to project the amount but since their January appearance they had done an updated traffic analysis. They had current counts and then added in their projected traffic. The basic information is existing current counts.

Mr. Bodenhamer asked Mr. Murphy to address the Bosley Springs entrance and exit to the proposed site, the Nashville Eye Clinic and to the apartments.

Mr. Murphy said they were taking the opposite approach at the intersection of Bosley Springs. They would change to a more standard signal phasing where left turns go concurrently which would eliminate one yellow cycle and is much more efficient.

Mr. Bodenhamer asked why the favorable letters he received were from all over town and not in the area of the proposed building.

Ms. Rita Cox of The Martin Company said it was because the K.C. Club, the property owner, had over six hundred members and they were from different areas.

Mr. Lawson asked why there were no solutions for the morning and lunch time traffic.

Mr. Murphy said the traffic lights would be adjusted to handle the morning and lunch traffic which was Level D and is acceptable.

Mr. Harbison asked what the increase would be at lunch time, how did the additional five thousand cars space out over the day.

Mr. Murphy said in terms of a twenty-four hour period, approximately ten percent of that would be during the morning and afternoon peak hours and only six to seven percent for the non-peak hours.

Mr. Manier asked if a twenty-four hour span a correct span because the building would be closed by six or seven o'clock.

Mr. Murphy said if you went out and did counts over a twenty-four period, that is what you would come up with but of course at two o'clock in the morning your counts for that hour may be zero but their specific analysis is based on morning and afternoon peaks.

Mr. Houser stated each of the Commissioners should have received a book which has a summary in the beginning of it that addressed the three major concerns. The traffic, flooding and fire protection concerns have exhibits showing how these concerns were addressed and have all been approved.

Mr. Patrick Kelly, president of the Knights of Columbus addressed the Commission in favor of the project. He said approximately two years ago they had their zoning changed from RM6 to MO. They believed this to be the highest and best use of the property since it borders St. Thomas Hospital. The proposed building and site design on their property has met current criteria required by local and national governing agencies. Therefore this medical office building should be allowed to be built. They have owned the property for over thirty-five years and feel they have a right to develop their property.

Mr. Jack London, Mr. Hofstetter, Mr. Jimmy McMinnis and Mr. Bill Whiteman, of the Knight of Columbus all spoke in favor of developing their property.

Mr. George Barrett, attorney representing the Dominican Campus, began by suggesting there was no current traffic analysis, approved by the Traffic and Parking Commission, presented at the time of filing, which is required and therefore does not meet the basic statutory requirements for a conditional use permit. He said the facility should abut or be across a public right of way from areas policed by the general plan for either nonresidential, mixed or high density and it does not meet that requirement. The principal access of the facility should be to any street designated on the Major Street Plan adopted by the Metropolitan Planning Commission and Bosley Springs Road is only an access road and ends at the K. C. property and is not on the Major Street Plan. He also stated the fire marshall had disapproved the PUD because of access and availability of water and that he was still concerned about this matter. For these reasons, he asked the Commission for disapproval.

Mr. Doug Lyons, representing St. Thomas Hospital stated they had no interest in the development. Their concern is the traffic on White Bridge Road and if they are not mitigated, this development would have an adverse effect on the St. Thomas traffic. St. Thomas owns the Imperial House Apartments and it would be very difficult for the elderly citizens to egress from their property during the peak periods. He asked the Commission for disapproval at the present time until they could see the results of the traffic study that is currently under way.

Mr. Bob Cooper, president of the White Bridge Neighborhood Association, expressed his concerns regarding flooding and traffic in the area, suggested the site be reserved for a community recreation area and asked the Commission to disapprove the project.

Ms. Sharon Stanford, a resident of Cherokee park, presented a petition to the Commission in opposition to the project because of the traffic problems in the area and ask the Commission for disapproval.

Ms. Grace Morales, representing Friends of Richland Creek which are opposed to the development agreed with Mr. Cooper's statements and asked the Commission for disapproval.

Ms. Sandra Vaughn, representing the Kenner Avenue Neighborhood Association expressed their opposition to the building of the medical office building asking the Planning Commission to reject the project because of flooding and traffic on Harding Road, Woodmont Blvd. and especially on Kenner Avenue which is a residential street.

Chairman Smith began the discussion by the Commission by listing several issues to consider, the procedure, correct land use, correct floor area ratio and has the developer answered the fire, flood and traffic problems. He stated he felt the flood and traffic problems were addressed by Metro's engineers and they are the right ones to do that.

Mr. Manier stated he had a significant doubt regarding the entire situation.

Councilman McWhirter stated he was satisfied with the flood plain problem but was still concerned about the traffic.

Mr. Bodenhamer said he had the same problem regarding the traffic, that the developer had the right to develop the property but his main concern was traffic safety in the area.

Mr. Harbison, Ms. Jernigan and Ms. Nielson also agreed their concerns were mainly in the traffic problem.

Mr. Lawson suggested the traffic problem was the city's responsibility to meet the needs of the growing community but felt it was not a good time for the development.

Mr. Allen moved to disapprove and Mr. Harbison seconded the motion with recommendations to correct the traffic problems.

Mr. Browning stated the traffic engineer, very early in the review of this project, stated there is a bad traffic impact in the area and that he did not feel in good conscience that the project would do justice by adding the additional traffic. There was a meeting in the Mayor's office regarding the situation of some developments in the area that have been allowed to go more than one hundred percent of their development capacity and

other pieces of property are holding back not having developed nearly to the capacity of their property. Metro agencies took the position that in allowing any property owner to go above the 1.0 in a bonus fashion that we had to presume that all properties had the opportunity to develop at the 1.0 basic right of development and that has not happened yet. Some properties, such as the K. C. property has not achieved their 1.0 that is allowed under the zoning ordinance. Yet there are some property owners in the area who have gone above that 1.0. In that meeting the Metro staff stated the policy that we are going to do the traffic analysis for the bonus situations assuming that all properties get at least the 1.0 permission of development. That means to achieve that, we are going to have the K. C. and maybe another property or two that are going to come in for significant development. We have to start with everyone having that basic right of development and then above and beyond that is when we'll evaluate whether or not bonus situations should be allowed, keeping in mind some bonuses have already been granted. The traffic engineer has agreed that the traffic is horrendous situation but he is taking the position that we need to make whatever improvements necessary to give them their right of development. While traffic may be a problem, but is it an equitable situation to put the burden on the one property owner to solve the traffic problem by holding back while others have gone to their one hundred percent and some even beyond that.

Chairman Smith agreed and stated he felt they had a right of development.

Mr. John Coleman Hays addressed questions regarding the traffic study being out dated. He said Mr. Murphy went back and actual counts rather than projected counts from 1991 even though the counts from 1991 should still be good and the new actual counts are lower than the 1991 projected counts. He said he had been involved in putting the project together and had done everything in their power to comply with all the laws, rules and regulations.

Chairman Smith stated they had a motion and second for disapproval and asked if there were any comments before voting. The motion carried with Chairman in opposition.

#### **Resolution No.**

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 95B-035U to the Board of Zoning Appeals.

The application should be denied. The traffic data presented was insufficient to demonstrate that additional traffic could be adequately and safely accommodated along Harding Road without causing further traffic congestion. The evidence does not satisfy condition 17.124.140(E)."

#### **ZONE CHANGE PROPOSALS:**

##### **Zone Change Proposal No. 95Z-022G**

Map 33, Parcel 72

(Subarea 2)

(11th District)

A request to change from R20 District to IR District certain property abutting the northwest margin of Dickerson Pike and the east margin of Old Dickerson Pike (9.31 acres), requested by R. Steve Butler, for Tennessee Sheet Metal, Inc., Estelle Parker and Dennis Porter, owners. (Deferred from meeting of 03/09/95).

Ms. Dudley presented this proposal which had been deferred from the previous meeting so the zoning administrator could make a determination of what kind of activity type the sheet metal company would be classified in and pointed out on slides the site in question. The zoning administrator made a determination that the activity type is construction, sales and service. That use is permitted in a CG district and consequently the proponent, Steve Butler amended his request now asking for CG. To approve CG in this area could bring additional salvage yards, truck repair or all the businesses CG permits. Because of the population being so low it is unlikely that any type of retail or neighborhood services would locate in the area. Most of the businesses that are located along Dickerson Pike are more repair and light industrial type

uses. She then introduced Cynthia Lehmbeck to discuss the thought processes that went on during the development of the Subarea Two Plan.

Ms. Lehmbeck stated she was working on Subarea Two Plan and was well into the planning process and has been working with the citizens advisory committee in that area to apply land use policies to the area which include this site. The preliminary application of land use policies along Dickerson Pike and the reasoning that went into it. The zoning district that this applicant needs for this use is supportable in industrial and distribution policy areas. This location is not suitable for that policy. The CAC did not even consider it as an option. CG is designed for large warehousing and transport uses that bring heavy truck traffic. The type of heavy truck traffic that you associate with industrial areas is really not helpful to the functioning in the arterial to carry other kinds of traffic. This location has poor accesses and that is one of the factors they look at when locating industrial policies and it would have a poor relationship to the residential areas around it. There aren't any intervening lower intensity nonresidential areas and there are any topographic features that can be used to form a transition between industrial and residential policy areas. The CAC has looked at all of Dickerson Pike and made judgments as to which segments were so established and committed to strip commercial development that it was necessary to apply CAE policy. Most of Dickerson Pike is zoned for commercial use, however that zoning has been in effect for about fifty years and there are vast undeveloped stretches along it. Even if it were considered for CAE, the policy itself is a policy that is intended to redevelop established strip commercial areas and to concentrate the commercial uses around major intersections and this site is a long way from a major intersection on this section of Dickerson Pike. CAE policies call for something other than commercial use along this segment of Dickerson Pike. In order to implement that policy successfully you would still have to take away the commercial zoning. If the Commission should approve this particular request for rezoning, it should also be considered appropriate for industrial and distribution policy.

Mr. Steve Butler, president of Tennessee Sheet Metal, addressed the Commission stating he is a homeowner in the area. There are some very undesirable businesses in the area that have been there for many years. He stated his business is not industrial and that he is strictly a contractor. He has a total of seventy employees of which only twenty-eight work at the shop. The rest of the employees are out at the job sites. He would have approximately twenty-five cars coming in and out per day and as far as big trucks, there would be only one tractor trailer load per week for delivery. He attended the CAC meetings to explain his plans but was not allowed to address the committee and there was not anyone on the committee from that particular area.

Mr. Allen asked which direction traffic would enter the property.

Mr. Butler stated it would enter from New Dickerson Road.

Ms. Neilson clarified the proposed zoning for the area would be to leave the portion along Dickerson Pike, OP and the back part residential and the middle CS.

Ms. Dudley confirmed but stated the middle would be CG.

Ms. Lehmbeck pointed out the Commission should consider the long term effect and reminded them of the effect it would have on the subarea policy in the area if they granted approval. She said it is an attractive proposal and was shown to the CAC members and they thought it was nice but decided to step back and look at what would be the appropriate long term use for this area. The only business that doesn't comply with the CS zoning is the salvage yard and the rest are CS uses. We need to think of the future and if we start to establish industrial zoning we may create an area twenty to fifty years into the future we don't want to use that way. It's true that you have section of zoning out of place here but the Commission is also being asked to approve a zoning district that is going to send them down a path that they may not want to be on.

Mr. Harbison said that was a very persuasive statement that made him pause because he was prepared to move to approve and that the entire Commission was sympathetic to Mr. Butler's attractive proposal but may be they should consider the policy implications because if approved it would be saying it will be policied for at least some light industrial uses in the future if they approved it and that is inconsistent with what their goal.

Mr. Harbison moved to disapprove and Mr. Manier seconded the motion which carried with Mr. Bodenhamer, Ms. Nielson and Chairman Smith in opposition.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-022G is DISAPPROVED.

The site is in Subarea 2, where the planning process is underway. The public hearing and adoption of the plan are scheduled for early summer. The Citizen Advisory Committee has completed a preliminary draft Land Use Policy Plan, which recommends that Residential Medium Density policy be applied to this general area. The CAC did not consider this an appropriate area for industrial policy, which would be the policy necessary to support the requested CG zoning. This location does not have convenient access to freeways. Projected employment growth does not justify the application of significant amounts of nonresidential policy, and the CAC is recommending that those opportunities to be provided elsewhere in the subarea. Industrial policy is recommended at three other locations, all of which have better access and buffering than does this area."

**Zone Change Proposal No. 95Z-028U**

Map 119-1, Parcel 345

Subarea 11)

(26th District)

A request to change from R6 District to OP District certain property abutting the east margin of Austin Avenue, approximately 100 feet south of Oriel Avenue (.18 acres), requested by Richard Haley, for Nashville Hydro-Test, Inc., John T. Baugh, Jr., trustee.

Ms. Dudley stated the Subarea 11 Plan designates this area for residential medium policy recognizing that most of the structures in the area are single family homes and a few duplexes. The Historic Commission has recognized that many of these structures are worthy of preservation. One unique area in the neighborhood is the subject area for a zone change request. The zoning to the west of the site is CG and to the north is OP. The residence to the left of the property is owned by the applicant and has been there for some time and has a fairly stable relationship with the neighborhood. It is not desirable to have CG right next to a residence but the owner has cleaned up the lot and improved the situation. The real problem in the neighborhood is the wrecker service which is zoned CG and conforms to CG but the wrecked cars are being stored all down the street in a residential area. Repairable wrecked cars are being stored in the OP area. The applicant is leasing the OP area to the wrecker service because they have out grown their site. Codes has issued numerous citations, ordered them to clean up the wrecker service, they keep overflowing their lot and now Codes is taking them to court and the situation may improve. Now this applicant is wanting to expand the OP and the question is whether or not the expansion is justified at all. The existing OP was applied back in the eighties in order to provide a buffer for the neighborhood, from the wrecker service which did not work because it hasn't been screened and is not being used lawfully. She feels the wrecker service should move, it has out grown its location. The OP that was granted to has not helped and expanding it probably won't help the situation either and the staff recommends disapproval.

Ms. Nielson moved and Mr. Manier seconded the motion to disapprove which carried unanimously.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-028U is DISAPPROVED.

This site is in the Woodbine neighborhood of Subarea 11, and is designated with 'residential low-medium' policy as a conservation measure intended to preserve the prevailing residential character of the area. The Subarea 11 Plan recommends no further expansion on non-residential uses into this residential neighborhood. Applying OP would move in the opposite direction of this policy objective, and could perpetuate the land use conflicts that exists today."

**Zone Change Proposal No. 95Z-032G**

Map 129-10, Parcel 90

Map 129-11, Parcel 10

(Subarea 7)

(23rd District)

A request to change from RS40 District to RS8 District certain property located between the Memphis-Bristol Highway and Brookmont Terrace (7.9 acres), requested by James O. Douglas, for Spiva-Hill Investment, R. L. Eatherly et ux, owners. (See PUD Proposal No. 95P-010G, Page 5).

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-032G is DISAPPROVED.

This site is at the boundary of a 'residential-low' policy area and a 'residential medium-high' policy area in the Subarea 7 Plan. The accompanying residential PUD is for multi-family at slightly over 12 dwellings per acre, which the commission determined to be too dense for this area."

**Proposal No. 95P-010G**

Ridgefield

Map 129-10, Parcel 90

Map 129-11, Parcel 10

(Subarea 6)

(23rd District)

A request to grant preliminary approval for a Residential Planned Unit Development District located between the Memphis-Bristol Highway and Brookmont Terrace (7.9 acres), classified RS40 and proposed for RS8, to permit the development of 96 multi-family units, requested by Hodgson and Douglas, for Spiva-Hill Investments, owner. (See Zone Change Proposal No. 95Z-032G, Page 4).

Mr. Martin presented both the zone change proposal and the PUD overlay to allow 96 multi-family units in the Ridgefield development. This is a density of slightly over twelve dwelling units per acre. The property lies, according to the Subarea 6 plan within a residential low density area which would allow a density of development of zero to two dwellings per acre. The applicant has presented a plan which would require an interpretation of this site being in a much higher density than residential low density. Staff, in its review, was faced with the dilemma of which policy should be applied to this site. Having considered the presence of the highway, homes on Brookmont Terrace and the apartments across the street, staff recommended in their report that the site should be considered a residential medium high policy. This particular proposal, as Councilman Odom told you at the beginning of the meeting is very controversial. Mr. Martin stated he had attended the neighborhood meeting and the area residents were unanimous in opposition to the development. Their concerns were density, traffic, drainage and lack of separation on the grade.

Mr. Martin stated the applicant had come to the conclusion that the proposal was not approvable in its current state and had requested disapproval. He would like the project to move forward and hopes the council will take the project into the council as a disapproved bill and allow him time to come up with a new plan to submit to the neighbors for their consideration, at which point in time he would return to this Commission.

Mr. Browning explained that in order to make the May public hearing, this bill has to be introduced to Council by the first meeting in April. There are two issues on this agenda, one is the base zone change that you are currently looking at and one is the PUD request. Council rules that a PUD can not go to Council, even on first reading unless there is a recommendation from the Planning Commission and so this applicant is willing to accept a disapproval so he can ask the Councilmen to go ahead and sponsor both the base zone and the PUD in Council in the beginning of April so he is lined up for the May public hearing in the mean time he will come back to this Commission with a revised PUD which has the density lowered significantly.

Mr. Harbison moved and Ms. Nielson seconded the motion for disapproval which carried unanimously.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-010G is given DISAPPROVAL AT THE REQUEST OF THE APPLICANT.

**Zone Change Proposal No. 95Z-033U**

Map 171, Part of Parcel 128  
(Subarea 12)  
(32nd District)

A request to change from R10 District to R8 District certain property abutting the east margin of Stone Brook Drive, approximately 180 feet south of Fox Ridge Drive (6.56 acres), requested by Marty L. Layman, Brentwood Highlands, LTD., owner. (See PUD Proposal No. 89P-032U, Page 7, and PUD Proposal No. 95P-012U, Page 6).

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 95Z-033U is APPROVED.

This site is designated with 'office concentration' policy in the Subarea 12 Plan, and is at the border of areas designated with 'residential medium-high' policy. One of the uses supported within office concentration policy is residential development at medium high densities. The densities proposed in the accompanying PUD plan fits within this policy classification."

**Request to Cancel a Planned Unit Development:**

**Proposal No. 89P-032U**

Highlands of Brentwood  
Map 171, Part of Parcel 128  
(Subarea 12)  
(32nd District)

A request to cancel the Commercial Planned Unit Development District abutting the east margin of Stone Brook Drive, approximately 180 feet south of Fox Ridge Drive (6.56 acres), requested by Barge, Waggoner, Sumner and Cannon, Inc., for Ritzen Group, Inc., owner. (See PUD Proposal No. 95P-012U Page 7, and Zone Change Proposal No. 95Z-033U, Page 4).

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-032U is given APPROVAL."

**Proposal No. 95P-012U**

Highlands of Brentwood  
Map 171, Part of Parcel 128  
(Subarea 12)  
(32nd District)

A request to grant preliminary approval for a Residential Planned Unit Development District abutting the east margin of Stone Brook Drive, approximately 180 feet south of Fox Ridge Drive (6.56 acres), classified R10 and proposed for R8, to permit the development of 77 multi-family units, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Ritzen Group, Inc., owner. (See PUD Proposal No. 89P-032U, Page 7, and Zone Change Proposal No. 95Z-033U, Page 4).

Mr. Martin presented the zone change proposal and the PUD item 89P-032U, a request to cancel an existing PUD, and the new PUD item 95P-012 to create a residential PUD. Mr. Martin pointed out on the slides the location at the top of a ridge which lies between Old Hickory Boulevard to the north and Church Street to the south. The property area is in the south central portion of the county, just north of Brentwood. The proposal is to cancel the commercial PUD and to create a residential PUD. The piece of property is the remnant of a larger development known as the Highlands of Brentwood which is an old Board of Zoning Appeals approval. Basically it is a remnant which the applicant had a commercial PUD placed on and now would like to place seventy-seven apartment units on it. The property is located on a steep hill and staff cannot recommend a zoning change which would increase the density. The remaining area in this property is zoned R10. All the land down hill to Old Hickory Boulevard is zoned R10 so there would be a difference in the zoning pattern and it would make the steepest piece of land and changing the zoning to increase the density higher than those sites below it. Staff recommends disapproval of the request to rezone in the PUD application and if the applicant is still interested in the cancellation of the commercial PUD, the staff could support that as we do believe the site is better suited to residential than commercial use, just not at this level. He reminded Chairman Smith that since it was a request to cancel a PUD he must conduct a public hearing.

Mr. Bill Lockwood stated that presently there is an existing commercial PUD on the property. It has a hundred and thirty thousand square foot approved for the site and it does impact this site whether it is residential or commercial. What they are proposing is less impacting to the site and to the surrounding area and they are still trying to preserve the crest of the hill and the buildings are built on the side of the hill. The seventy-seven units is more consistent with what is out there now, they are asking for eleven point eight units per acre. The square footage they are asking for is eighty-four thousand square feet versus the hundred and thirty which is presently approved for the site. He asked the Commission to approve the R8 of base zone change and the PUD.

Mr. Manier asked Mr. Martin what he is contending the density should be for the area.

Mr. Martin stated the overall zoning pattern for the area is at R10. The density suggested would be approximately eight units per acre maximum. There are a large number of nonconformity's in the area because some of the plans go back prior to the PUD ordinance to the Board of Zoning Appeals approvals.

Mr. Harbison stated it was approved for one hundred thirty thousand square feet of development now and it is going down from that so it is an improvement.

Mr. stated it is less square footage in that proposal, but if a plan was improved in the past and was not as good a plan as it should have been, it shouldn't be grounds for saying a new plan is approvable. The plan should have its impact further reduced and its density dropped.

Mr. Browning stated the problem is basically the large area of R10 which is reflected in the policy and this would take the worst part of the site and putting it into a different zoning category R8. The staff's position is how to justify the R8 in basically a large area of R10.

Mr. Harbison said he understood that but on the other hand they might not get a proposal from another developer for R10 and the R8 might be most economically available if we decide those are the two alternatives, this would be better.

Mr. Browning said he thought the Planning Commission should consider is the inconsistency of how they are setting up the zoning. It's not going to make a lot of sense to have that R8 inserted in the R10.

Mr. Harbison said he would agree except for the fact there is a commercial PUD there now and what's wrong with that thinking.

Mr. Browning said there was nothing wrong with it except that it is basing a bad decision on another bad decision.

Ms. Neilson moved and Mr. Manier seconded the motion to close the public hearing.



Mr. Harbison moved for approval and Ms. Neilson seconded the motion which was passed unanimously.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-012U is given CONDITIONAL APPROVAL.

**PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:**

**District Applications and Finals:**

**Proposal No. 95P-009G**

Robertson Highlands Commercial PUD  
Map 128, Parcel 119  
(Subarea 6)  
(23rd District)

A request to grant preliminary approval for a Commercial (Neighborhood) Planned Unit Development District abutting the east margin of Old Hickory Boulevard, approximately 1,847 feet south of Ridgeland Parkway extended (4.91 acres), classified R20, to permit the development of a 15,000 square foot convenience facility, requested by Barge, Waggoner, Sumner and Cannon, Inc., for Terry O'Rourke and James C. Vance, owners.

Mr. Owens stated the property is surrounded by a large residential PUD called Robertson Highlands with one thousand sixty-two units. It is an unbuilt residential PUD. The first issue is whether or not this type of commercial development satisfies certain locational criteria to be placed within a residential policy area. The second issue will deal with sewers. The area is policed for residential low medium, up to four units per acre. Even within residential policy areas, it is possible to do limited scale commercial development if it is of a convenience nature. In the Bellevue area we have two major nodes, the major commercial node at Seventy south and Old Hickory to the south and we have another node at I-40 and Old Hickory to the north. The node to the north at I-40 is a subregional node and the node to the south is a community scale. The criteria in the general plan for this unmapped convenience basically say that you make your decision on whether there is market need. The general plan and the subarea plan give us some general locational criteria which we outlined in the report. You may recall you generally try to look for the intersection of a collector street, an arterial street and the separation from other commercial zoning which would serve the same purpose. The applicant contends that there is enough market built in to the approval of this residential PUD to satisfy the locational criteria of the intersection. The locational criteria outlined in the report also indicates that on an average it should be three quarter to a half of a mile in separation from competing commercial uses. The decision is whether or not this five acre parcel which is now completely surrounded by an approved PUD is suitably situated to serve this convenience shopping market need. The sewer issue is the next problem.

Mr. Browning stated the first issue is the policy issue of whether or not this proposal meets the criteria to be considered a plausible site for a convenience commercial development.

Mr. Owens presented the sewer issue stating the day before the meeting he received a call from Water Services is asking the Planning Commission not to approve any more zone changes in the Harpeth Valley Utility District until there is a resolution of a dispute between Metro and the Harpeth District over the handling of sewers. All sewage comes from the Harpeth Valley Utility District and is treated by Metro at the Whites Creek Plant. There has been a long standing dispute over the contractual arrangements between Metro and how much the Harpeth District pays Metro to treat so much sewage. In 1990 the State handed down a directive to local governments to stop the discharge of sewage into our streams and rivers. This is why all these PUDs the Commission hears say they have to purchase their sewage capacity. That was a program implemented in 1991 as a direct response to the states directive to the Planning Commission to take control of this over charge. Since 1991 Metro and the Harpeth have been disputing the amount the Harpeth District should be paying us and they have also been grappling with what needs to be done to make sure the sewage that comes from Harpeth is not bypassed into our rivers. Until recently Metro Water

Services was planning to build a new trunk line to connect the Harpeth District to our treatment plant at Whites Creek. They have designed that line at eight million gallons. Very recently they have learned that the Harpeth has been generating ten million gallons per day. This has thrown a monkey wrench into the ability of Metro to even start constructing this trunk line. They need to start construction in order to satisfy the State's directive to stop the overflows. At this point in time Metro and Harpeth Utility District still cannot come to terms on how to solve this overflow problem. Metro is very concerned that the State is no longer going to give us anymore extensions to come up with a solution. Metro Water Services is asking the Planning Commission to approve nothing else until three parties can agree to the solution, Metro Water Services, Harpeth Utility District and the State. Therefore Metro Water Services is asking the Commission not to approve this PUD as a new zone change.

Chairman Smith asked if they think there is going to be more sewage out of a convenience store out of there is twenty residential units.

Mr. Owens said they acknowledge every piece of property has a development right but yes they would say there would be more sewage out of a fifteen thousand square foot commercial project than there would be out of twenty dwelling units on current zoning.

Mr. Harbison asked what are the arguments in favor of the Commission stopping our processes from a Planning standpoint because of dispute.

Mr. Owens stated our policies call for us to insure that as we rezone property and approve developments that it can be serviced with sewer and Water Services is saying we can't service or should not be servicing anymore development in the Harpeth Utility District because they are generating more affluent than we thought they were and no one has come to terms with how we are going to redesign our system so we don't discharge anymore into our creeks. There needs to be physical improvement to a sewer line connecting Harpeth to the Whites Creek Plant so that we no longer have the periodic discharge. There is a physical engineering solution also involved and that has caught up with the financial arrangements of whose going to pay how much.

Ms. Neilson asked if this would effect all of Bellevue.

Mr. Owens said yes it would.

Mr. Bill Lockwood presented the proposed plan. He said their plan would meet the requirements from a market criteria standpoint in the policy plan that they are enough distance away from other convenience shopping.

Mr. Jimmy Vance addressed the Commission concerning the sewer problem. He believed the peak of ten million gallons was on one particular occasion and maybe nine million on another particular occasion but that has not been the average on a monthly basis. Sometimes when we have heavy rains or heavy snows there will be more sewage than usual because of the infiltration of the sewage in the system. Some of those lines are occasioned by Harpeth Valley and some are occasioned by the home owners who have the old cast iron lines that the roots get into and open them up and the water goes in. It appears to him now that the Water and Sewer department wants to penalize his project because of what has happened historically. Water Services and Harpeth Valley need to resolve their problem. Harpeth Valley has given him a letter absolutely approving his project and has no problem with it. He just submits to the Commission that they should go ahead and approve the plan.

Mr. Manier asked if anyone was present from Water Services because he would like to hear both sides.

Mr. Owens stated there was not.

Councilman McWhirter said he has had the same problem in his district for a long time. A lot of the private utility companies simply don't live in the real world and they want to exit and they want their jobs they want what they have had in the past but they find favor with their people by the fact they don't raise their rates to cover the true cost of handling it and have found that since Metro is connected it can be shuffled off on Metro. They have no reason to turn down anything because we ultimately have to handle it here and this is

where the discharge will go, through the cut outs if it is too much. What they need to do is simply raise the rates for their subscribers to the actual cost and then they can reimburse Metro. In order to fend off Metro basically taking over the systems, most of them say your rates will have to go up if Metro takes it over. The truth is the rates should have already been up but they have been taking a free ride.

Mr. Harbison asked if this would stop us from finding this meets requirements for what they proposed. For this applicant, this comes up at the ninth hour. It meets the neighborhood location test and should only be subject to working out their sewer and the Commission should not draw a cutoff line on this applicant.

Chairman Smith said that if there was a thousand unit apartment going in the Commission may want to take that stand.

Councilman McWhirter said if that is the case the only thing he would feel comfortable with is moving for disapproval because we are getting to the point of being penalized or fined by the State for a situation that our only other option is close it off and say we are not going to serve you any more and that would be a health disaster.

Mr. Harbison said he really had a problem with Water Services asking for this and not sending a representative to the meeting.

Mr. Owens stated he had talked to them and made the decision to explain the situation to the Commission.

Mr. Harbison stated he was troubled by the process of questions involved. The applicant is here and everything is O.K. with the application and then the Commission is told to stop everything because of a dispute that is going on that is way beyond everyone's control.

Chairman Smith asked about the amount of sewage that might come out of the fifteen thousand feet compared to what they could do under the base zoning they have now and if there is any way there could be a measurable difference.

Mr. Owens said yes it would be different.

Chairman Smith stated most convenience markets have two rest rooms and some don't even have that and twenty homes have thirty or forth.

Mr. Lockwood stated the amount of flow that comes out of a house is three hundred fifth gallons per day and so twenty times three fifty would give you that number. Their proposal has fifteen hundred square feet and only one rest room and that would be less than twenty homes.

Mr. Owens stated there were a couple of options for the Commission. One would be to disapprove and say we are supposed to be able to be sure we can provide sewer services or put a condition of approval on this PUD advising Council of this issue and suggesting that Council not take the zoning through its process.

Ms. Jernigan moved and Mr. Harbison seconded the motion to approve which was passed unanimously.

#### **Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-009G is APPROVED WITH CONDITIONS WITH ADVISEMENT TO COUNCIL REGARDING SEWER CAPACITY ISSUES IN THE HARPETH VALLEY UTILITY DISTRICT. The following conditions apply.

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works.
2. Verification by Metro Water Services that the project can be serviced with sanitary sewers in a manner which conforms to State guidelines.

3. Modification of the approved preliminary plan for the adjacent multi-family residential complex to show the proposed driveway connection and consolidated stormwater management areas prior to submittal of final site plans.
4. Submittal of written confirmation of approval by TDOT for final stormwater management facilities concurrent with final site plan submittal."

**Proposal No. 95P-011G**

Elysian Springs  
Map 172, Parcel 16 and Part of 109-111  
(Subarea 12)  
(32nd District)

A request to grant preliminary approval for a Residential Planned Unit Development District located between Edmondson Pike and Old Smyrna Road, opposite Mt. Pisgah Road (95.66 acres), classified R40 and proposed for R30, to permit the development of 238 single-family lots, requested by Gresham, Smith and Partners, for Construction Associates, Inc., owner. (See Zone Change Proposal No. 95Z-031G, Page 4).

Mr. Martin stated the Commission approved earlier on the consent agenda a rezone for this proposal. The proposal for the PUD is before the Commission because there is one variance to the subdivision regulations. The proposal is in order but there is a cul-de-sac that is over one thousand feet long and appears to be the only appropriate way to serve the hill mass. The applicants original proposal was far too steep to come up the hill. Staff recommends approval with conditions and with a variance to the subdivision regulations for one dead end street.

Ms. Neilson moved and Ms. Jernigan seconded the motion to approve with conditions which passed unanimously.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 95P-011G is given APPROVAL WITH CONDITIONS INCLUDING VARIANCE TO STREET LENGTH. The following conditions apply:

1. Receipt of written confirmation of approval from the Storm Water Management and Traffic Engineering sections of the Department of Public Works.
2. Receipt of modified plans which show a reservation for future 84' right-of-way on Old Smyrna Road and a 50' right-of-way with a 37' pavement for the stub street leading to the northern boundary at parcel 120.
3. Receipt of written confirmation of approval from the City of Brentwood for storm drainage which flows into their jurisdiction, prior to approval of final plans for any such areas.
4. By this phased approval, the developer commits to place into a non-interest bearing escrow fund the pro-rata share of all costs associated with engineering and design for a 350' left turn lane on northbound Edmondson Pike at Cloverland Drive. Prior to the recording of a plat creating a building site or the issuance of any building permit for any phase, the applicant shall deposit funds representing a pro-rata share of the total estimated cost of \$5,000. Subsequent phases (if any) shall also make pro-rata contributions to this fund until the scope of developments results in full funding. The use of the funds shall be limited to the costs associated with design and engineering for the proposed turn lane, and shall be refunded in full (without interest) if the lane is determined unnecessary following completion of all phased development.
5. Implementation of the proposed improvements to sight distance on Edmondson Pike with the first phase of development.
6. Compliance with the Memorandum of March 22, 1995 from the Fire Marshal with submittal of final plans."

**Request to Revise/Amend a Site Development Plan:**

**Proposal No. 117-83-U**

Factory Stores of America, Plan 2  
Map 62, Part of Parcel 185  
(Subarea 14)  
15th District)

A request to amend the preliminary site development plan of the Commercial (General) Planned Unit Development District abutting the north margin of McGavock Pike, approximately 800 feet west of Music Valley Drive (9.6 acres), to permit the development of a 108,000 square foot motel facility, requested by Ragan-Smith- Associates, for Factory Stores of America, Inc., owner.

Mr. Martin stated this was a request to amend a preliminary site development plan which was originally on the consent agenda and removed because of some problems. Those problems have been resolved and there are no technical issues. The applicant is requesting approval of an additional one hundred and eight thousand square feet for a two hundred and fifty room motel. The applicant has agreed to make a right-of-way dedication to McGavock Pike and a reservation for right-of-way for a possible public street in the future.

Ms Nielson asked if this was the motel that was going to be built over a storm drain.

Mr. Martin said it was and that was the problem and it had been resolved. The applicant has agreed to raise the building above the storm drain. There will be a garage on the ground level. The applicant will offer Metro a hold harmless agreement. Staff recommends approval with conditions.

Ms. Jernigan moved and Ms. Nielson seconded the motion to approve with conditions as an amendment which passed unanimously.

**Resolution No.**

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 117-83-U is given CONDITIONAL APPROVAL AS AN AMENDMENT REQUIRING COUNCIL CONCURRENCE. The following conditions apply.

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. Prior to the filing of an application for final development plan approval to the Metropolitan Planning Commission, the applicant shall hold a pre-application conference with the Metropolitan Department of Public Works to finalize plans and conditions for the installation of a culvert across McGavock Pike and through the hotel site. Concurrent with final plan application, the applicant shall provide written assurance of the right-of-access to perform replacement or repair work on the culvert within the hotel site and to provide a hold harmless agreement signed by the developer.
3. Submittal to the staff of the Planning Commission of corrected plans which delete note number one and make other minor correction agreed to by Mr. George Daniels of Ragan-Smith and Associates.
4. The bonding of any off site improvements as may be required with any subsequent final approval."

**SUBDIVISIONS:**

**Preliminary Plats:**

**Subdivision No. 95S-058G**

S and J Subdivision  
Map 52-1, Parcels 343 and 344

(Subarea 4)  
(9th District)

A request to create eight lots abutting the west margin of Forest Park Drive, approximately 350 feet north of Neely's Bend Road (1.46 acres), classified within the R6 District, requested by Joe Garza and Samuel Adamez, owners/developers, George C. Gregory, surveyor.

Mr. Bracey stated this proposal is open for public hearing and is for a variance from the street for a turn around right-of-way radius. The pavement will be the same as the standards require. The staff is recommending approval with the variance.

Chairman Smith asked if there was anyone in the audience to speak in favor of the proposal or anyone in opposition.

With no one present to speak, Mr. Bodenhamer moved and Mr. Allen seconded the motion that the public hearing be closed and for approval which passed unanimously.

**Resolution No.**

**Final Plats:**

**Subdivision No. 95S-048G**  
Forest Park Acreage Tracts,  
Resubdivision of Lot Two  
Map 43-13, Parcel 404  
(Subarea 4)  
(9th District)

A request to subdivide a lot into two lots abutting the east margin of Forest Park Road, approximately 225 feet south of East Maple Street (.95 acres), classified within the R6 District, requested by James P. and Lavern Clinard, owners/developers, Land Surveying Inc., surveyor.

Mr. Bracey stated this proposal was to divide a tract containing two dwellings into two lots. This division would remove a zoning violation with having two dwelling structures on one lot. In subdividing it to cure the zoning violation it creates a four to one violation. Staff recommends approval with a variance with the finding that there is no other reasonable plan of subdivision.

Mr. Harbison moved and Mr. Allen seconded the motion to approve which passed unanimously.

**Resolution No.**

**Subdivision No. 95S-056U**  
Myrtlewood Estates, Phase 3, Section 9  
Map 172-2, Parcel 35  
(Subarea 12)  
(31st District)

A request to create ten lots abutting the southeast corner of Stillmeadow Drive and Myrtlewood Drive (5.66 acres), classified within the R20 District, requested by Bette Phillips Hagan, et al, owner/developer, Anderson-Delk and Associates, surveyor.

Mr. Bracey stated this item had been on consent agenda but received a call from Public Works requesting this item be deferred two weeks. The Commission is aware there is a twenty-eight day cycle for review applications, identify issues, give the applicant the opportunity to make corrections and the departments and the Planning Commission staff communicate these items to the Commission. Throughout the review of this

particular subdivision no issue was defined by Public Works regarding drainage and that was the motivation for the request to defer two weeks. On a 1983 slide he pointed out the streets for this subdivision were already developed. The streets were built in 1983 and accepted and maintained by Metro. Public Works has pointed out there is a drainage problem and they want additional time to negotiate with the applicant to gain the applicants assistance in curing the problem. There are two questions of fairness the Commission should address. Since the problem was not identified within our normal review cycle is it fair to ask the applicant to delay his project especially since he has already been advised by the Commission staff that there are no issues. Also, these have been public streets for years and is it fair now to ask the small portion of this subdivision to participate in curing a problem that is a Metro problem. Staff recommends approval without requiring a delay and without requiring contributions to solving the problem. There will be a sewer extension and staff recommends approval subject to posting a bond of \$48,500.

Mr. Manier asked if the development of the lots caused any aggravation to the problem or is the problem already there.

Mr. Bracey stated Public Works is saying that anytime you build additional houses, more impervious services are created and cause more problems.

Mr. Manier moved and Mr. Harbison seconded the motion for approval which passed unanimously.

#### **Resolution No.**

#### **MANDATORY REFERRALS:**

##### **Proposal No. 95M-032U**

Sign at 166 Second Avenue North  
(Laser Quest)  
Map 93-6-2, Parcel 67  
(Subarea 9)  
(19th District)

A mandatory referral from the Department of Public Works proposing the construction of an 8' by 20' sign over the sidewalk in front of 166 Second Avenue North, requested by Skipper Brown of Cummings Sign Company, for Jerry Free, Laser Quest/C & F Partners, proprietors.

Ms. Dudley stated the applicant has requested a two week deferral. They are conferring with Ann Reynolds of the Historic Commission trying to work out a compromise design that will meet the guidelines for historic preservation.

Chairman Smith asked if there were any opposition to a two week deferral which passed unanimously.

Ms. Neilson moved and Mr. Harbison seconded the motion to defer for two weeks.

#### **Resolution No.**

#### **OTHER BUSINESS:**

- 1 Approval of the Subarea Update Process. (Deferred from meeting of 03/09/95).

Mr. Fawcett stated that he had not received any responses from any interested parties to whom the revised proposed subarea update planning process had been sent. Those parties had been selected at the March 9th Planning Commission meeting and included all who had initially responded to the proposal either before or at that meeting. Mr. Fawcett noted that Mr. John Stern was present and asked him if he was here to address the Commission on this matter.

Mr. Stern distributed to Commissioners a one page alternative proposal for the subarea update planning process and proceeded to explain its features. It basically calls for appointment of citizen advisory committees in all cases where any changes to the subarea plan are recommended for consideration. An extended discussion ensued between Mr. Stern and the Commissioners. The focus of the discussion was on the pros and cons of using citizen advisory committees for Levels 1 and 2 as described in the staff proposed subarea update planning process.

Upon conclusion of the discussion, Chairman Smith called for a motion.

2. Policy for Funding Phased Off-site Improvements.  
(Deferred from meeting of 03/09/95).
4. Visioning.
5. Legislative Update.

**ADJOURNMENT:**

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:45 p. m.

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Chairman

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Secretary

Minute approval:  
This 6th day of April, 1995